

REMARKS

The Office Action dated September 19, 2007 has been received and duly noted. The application has been reviewed and the independent claims have been amended to more particularly distinguish the invention from the prior art. Dependant claims have been amended to improve clarity.

The Examiner contends that the Wang reference discloses swivels 50, 54 which movably connect the hand support to the forearm support. More specifically, the Examiner indicated that the limitation "lateral fashion" did not define which axis and in what plane the swiveling occurred. As Applicant previously noted, the hinge system of Wang allows for movement between a base unit and a hand unit, but such movement is limited so that, once adjusted, the unit will remain in that position when worn by the user. Contrary to the concept of the present invention, the hinge system of Wang does not movably connect the metacarpal unit to the base unit when worn by the user. More particularly, the independent claims have been amended to recite that the metacarpal unit pivots vertically in a first direction relative to a stationary unit, i.e., with the forearm horizontal, the metacarpal unit may pivot vertically upward and downward. The independent claims further recite that the hinge system includes a swivel joint for movably connecting the metacarpal unit to the base unit when worn by the user such that the metacarpal unit pivots laterally in a second direction substantially traverse to the first direction relative to a stationary base unit. Thus, the amended claims have defined the "lateral fashion" of movement

of the metacarpal unit relative to the base unit, and such movement is not provided by the cited reference.

The Examiner's comment that his prior interpretation of the claim is within reason and is consistent with page 13, lines 3-8 of the specification is not understood. The referenced disclosure in the application discloses a swivel joint which allows up to a 60° turn or swiveling to each side of its horizontal axis, thereby providing substantially normal lateral movement of the hand while positioned within the orthotic device. No equivalent swivel unit is provided in the cited art.

Claims 16 and 27 have been amended in the manner suggested by the Examiner. With respect to Claims 1, 16, 23, 27 and 30, Applicant intends these claims to recite an attachment member, which is consistent with the specification. More specifically, Applicant does not intend to invoke § 112, ¶ 6 construction for the term.

In view of the above, early allowance of the application is requested.

Respectfully submitted,



Loren G. Helmreich
Reg. No. 29,389

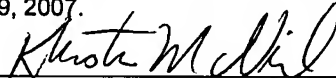
Date: November 19, 2007

BROWNING BUSHMAN P.C.
5718 Westheimer, Suite 1800
Houston, Texas 77057-5771
Tel.: (713) 266-5593
Fax: (713) 266-5169

X:\LGHV\lsport\212-amendment 4.doc

CERTIFICATE OF MAILING

I certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on November 19, 2007.



Khristine McNeil